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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,) No. CR-09-00480 SBA
11 Plaintiff,) STIPULATED REQUEST TO CONTINUE
12 v.) HEARING DATE TO OCTOBER 27, 2009
13) FOR JUDGMENT AND SENTENCING
14 JOSE PALACIOS-PALACIOS,) AND TO EXCLUDE TIME UNDER THE
15 Defendant.) SPEEDY TRIAL ACT AND ORDER
16)
17)
18 The above-captioned matter is set on July 7, 2009 before this Court for change of plea.
19 The parties jointly request that the Court continue the matter to October 27, 2009 at 10:00 a.m.
20 for judgment, plea and sentencing, and that the Court exclude time under the Speedy Trial Act,
21 18 U.S.C. § 3161(h)(1)(G), between the date of this stipulation and October 27, 2009.
22 Mr. Palacios is charged under 8 U.S.C. § 1326 as a deported alien found in the United
23 States. The parties have reached a Federal Rule of Criminal Procedure 11(c)(1)(C) plea
24 agreement in which the parties agree to a 4-level reduction in Mr. Palacios' offense level
25 pursuant to the government's early disposition program ("fast-track" program).
26 The parties request that the Court take the parties' proposed plea agreement under
Stip. Req. To Continue Hearing Date and to
Exclude Time, No. CR-09-00480 SBA

1 the United States Probation Office for a criminal history only pre-sentence investigation.

2 If the Court agrees to take the parties' proposed agreement under submission, the parties
3 agree that time should be excluded pursuant to 18 U.S.C. § 3161(h)(1)(G) based on the Court's
4 consideration of the proposed plea agreement to be entered into by the defendant and the
5 attorney for the Government. A copy of the plea agreement and Mr. Palacios' signed consent to
6 institute a pre-plea investigation will be submitted together with the Court's courtesy copy of
7 this stipulation. These documents have not been e-filed.

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9 DATED: July 1, 2009

/S/
DOMINIQUE THOMAS
Assistant United States Attorney

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DATED: July 1, 2009

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

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I hereby attest that I have on file all holograph signatures for any signatures indicated by a
"conformed" signature (/S/) within this e-filed document.

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ORDER

2 Based on the reasons provided in the stipulation of the parties above, the Court hereby
3 FINDS:

4 1. Given that the parties have reached a Rule 11(c)(1)(C) agreement and have
5 submitted that agreement to the Court for consideration:

6 2. Given that Mr. Palacios has signed a consent to institute a pre-sentence
7 investigation and to disclose the report before his plea of guilty;

8 3. Given that the parties' plea agreement contemplates a "fast-track" illegal reentry
9 disposition; and

10 4. Given that the Court will take the proposed plea agreement under submission
11 until the United States Probation Office can prepare a Presentence Investigation Report:

12 Based on these findings, IT IS HEREBY ORDERED that this matter is referred to the
13 United States Probation Office to prepare a criminal history only pre-plea Presentence
14 Investigation Report. IT IS FURTHER ORDERED that the change of plea date set for July 7,
15 2009, scheduled at 9:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and
16 this matter is reset to **November 3, 2009**, at 10:00 a.m., for judgment, plea and sentencing.

17 IT IS FURTHER ORDERED that time is excluded under the Speedy Trial Act, 18 U.S.C.
18 § 3161(h)(1)(G), from the date of this Stipulation to October 27, 2009, based on the Court's
19 consideration of the proposed plea agreement to be entered into by the defendant and the
20 attorney for the government.

22 | DATED: 7/6/09

Saundra B. Armstrong
HON. SAUNDRA BROWN ARMSTRONG
United States District Judge